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RECIPIENT INFORMATION	SENDER INFORMATION
To: Examiner Jeanine Anne Goldberg	From: Deborah H. Yellin
Voice Tel. No.:	Voice Tel. No.: (703) 838-6563
Fax Tel. No.: (903) 746-5149	Sent By: Elizabeth K. Stenson
Your Ref.: 09/462,635	Our Ref.: 020600-285
	Total Pages (Incl. Cover Page): 4

RE: U.S. Patent Application No. 09/462,635**MESSAGE:**

Dear Examiner Goldberg,

Further to our telephone call of this morning, attached please find a Submission of Terminal Disclaimer (in duplicate) and a Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent for the above-identified application. As indicated on the Submission of Terminal Disclaimer, the \$110.00 fee is to be charged to Deposit Account 02-4800. Should you have any questions, please do not hesitate to contact us.

Very truly yours,

Deborah H. Yellin
Reg. No. 45,904

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Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

Patent
Attorney's Docket No. 020600-285

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Günter SCHMIDT *et al.*)

Group Art Unit: 1634)

Application No.: 09/462,635)

Examiner: Jeanine Anne Goldberg)

Filed: April 10, 2000)

Confirmation No.: 5341)

For: CATEGORISING NUCLEIC ACID)

VIA FACSIMILE (703) 746-5149)

) I hereby certify that this correspondence is being sent
) by Facsimile Transmission to the Assistant
) Commissioner For Patents, P.O. Box 1450,
) Alexandria, VA 22313-1450 on:

Date: June 27, 2003Name: Elizabeth K. Stenson
(Typed or printed name of person signing the
certificate)Sign: Elizabeth K. Stenson
(Signature of person signing the certificate)Date: June 27, 2003
(Date of Signature)**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above.

The Director is authorized to charge \$110.00 (1814) to cover the requisite Government fee to Deposit Account 02-4800. The Director is authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 27, 2003By: Deborah H. YellinDeborah H. Yellin
Registration No. 45,904

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(05/03)

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
020600-285

In re Application of: Günter SCHMIDT *et al.*
Application No.: 09/462,635
Filed: April 10, 2000
For: CATEGORISING NUCLEIC ACID

The owner*, XZILLION GMBH & CO. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,297,017. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

June 27, 2003
Date

Deborah H. Yellin
Reg. No. 45,904 for
Signature

Samuel C. Miller, III, Reg. No. 27,360
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See M.P.E.P. § 324.